REGISTERED No. T. 10. REGISTERED No. M. 465.

GAZETTE EXTRAORDINARY

PUBLISHED BY AUTHORITY

VOL. I] FRIDAY, 3rd NOVEMBER 1950/17th THULAM 1126 [No. 61

NOTIFICATION.

Under Sub-Section (1) (a) of Section 74 of the Travancore Public Health Act, 1121 (III of 1121) as continued in force by the U. S. T. C. Administration and Application of Laws Act, 1125 (VI of 1125), Government hereby declare that the Taluks of Devicolam and Peermade are threatened with an outbreak of Cholera.

By Order of His Highness the Raj Pramukh,

JOHN SAMUEL,
Secretary to Government.

Government Secretariat,
Education, Health & Local
Self Government Department,
Health Section,
3rd November 1950.

PRINTED AND PUBLISHED BY THE SUPERINTENDENT, GOVERNMENT PRESS,
TRIVANDRUM—1950

REGISTERED No. T. 10. REGISTERED No. M. 463.

GAZETTE EXTRAORDINARY

PUBLISHED BY AUTHORITY

VOL. I] FRIDAY, 3rd NOVEMBER 1950/17th THULAM 1126 [No. 62

L.D. 8—4480/50/Law.

NOTIFICATION.

The following Notification of the Ministry of Law, Government of India, No. S. R. O. 822, dated 30th October 1950 is hereby republished for general information.

By order of His Highness
the Raj Pramukh,

N. S. RADHAKRISHNA SARMA,
Secretary to Government.

Government Secretariat,
Law Department,
Trivandrum, 3rd November 1950.

MINISTRY OF LAW.

NOTIFICATION.

New Delhi, the 30th October, 1950.

S. R. O. 822.—In exercise of the powers conferred by section 28 of the Representation of the People Act, 1950 (XLIII of 1950), the Central Government, after consulting the Election Commission, is pleased to make the following amendments in the Representation of the People (Preparation of Electoral Rolls) Rules, 1950, namely :—

I. In the said Rules,—

(1) In clause (e) of rule 2, after the words "part of a constituency" the words "or an electoral unit or part of an electoral unit" shall be inserted ;

(2) in Part 1, after rule 2, the following rule shall be inserted, namely :—

"2A. In the application of these rules to any electoral roll first prepared under Part III of the Act or under any provisions of that Part read with Section 26 of the Act, the provisions of rules 3 4, 5, 9, 10 and 11 and of sub-rules (1) and (2) of rule 24 shall have effect as if for any reference to a constituency in the said rules and sub-rules there were substituted a reference to an electoral unit in relation to which such electoral roll has been directed to be prepared under sub-section (1) of Section 22A of the Act,";

(3) in the proviso to sub-rule (2) of rule 10, the words, brackets and figures "in the case of persons to whom the provisions of sub-section (7) of Section 20 of the Act apply" shall be omitted ;

(4) in rule 12,

(a) to sub-rule (1) the following shall be added namely :—

'or with the permission of the Election Commission, make an application to such Revising Authority, for the inclusion in or the exclusion from the electoral roll of the names of any other persons," ; and

(b) to sub-rule (2) the following proviso shall be added, namely :—

"Provided further that where an application is made for the inclusion of the name of any person in the electoral roll, it shall not be necessary to serve any such notice on the persons affected by the application but the Revising Authority shall in such case direct that a copy of such notice be posted in some conspicuous place in his office and be published in such other manner, if any as the Revising Authority thinks fit":

(5) in rule 14,—

(a) in sub-rule (1)—

(i) after the words "received in time" the words, brackets and figures "or his agent, if any, authorised by him under sub-rule (1) of rule 11" shall be inserted ; and

(ii) for the word and figures "Form IX" the words, figures and brackets "Form VI (Part II) or Form VIII (Part II), as the case may be," shall be substituted; and

(b) in sub-rule (2) for the word and figure "Form X" the words, figures and brackets 'Form VIII (Part III)" shall be substituted ;

(6) in rule 16, for the words "Every notice issued by the Revising Authority" the words, brackets and figures "Subject to the provisions contained in the second proviso to sub-rule (3) of rule 12, every notice issued by the Revising Authority" shall be substituted ; and

(7) to rule 23, the following sub-rule shall be added, namely :—

"(3) The provisions of this rule shall apply, in relation to the electoral roll prepared under sub-section (1) of Section 22A of the Act for any electoral unit or part of an electoral unit to be comprised within a Parliamentary constituency or an Assembly constituency in a State as they apply in relation to the electoral rolls for the Parliamentary constituencies and the Assembly constituencies in that State."

II. In the Forms appended to the said Rules,—

(1) in Forms I, II and III, after the word "constituency", wherever it occurs, the following shall be inserted, namely :—

"/electoral unit";

(2) in Form IV appended to the said Rules—

(a) in the heading after the word "constituency" in the two places where it occurs the symbol and words "/electoral unit" shall be inserted;

(b) before the words "Parliamentary constituency" wherever they occur the words and symbol "electoral unit/" shall be inserted;

(c) for the words "for the purpose of my registration in the electoral roll for that constituency", in the first place where they occur, the words "for the purpose of my registration in the electoral roll for that electoral unit/constituency" shall be substituted; and

(d) for the words "for the exclusion of my name from the electoral roll for that constituency" the words "for the exclusion of my name from the electoral roll for that electoral unit/constituency" shall be substituted;

(3) in Form V, after the word "constituency" the symbol and words "/electoral unit" shall be inserted, and

(4) for Form VI the following Form shall be substituted, namely:—

"THE REPRESENTATION OF THE PEOPLE (PREPARATION OF ELECTORAL ROLLS) RULES, 1950.

FORM VI.—PART I.—CLAIM FOR INCLUSION IN THE ELECTORAL ROLL.

(*Rule 10*)

....Electoral unit/ Parliamentary/Assembly constituency. Claim for inclusion in electoral roll for village/ward .... Thana/Taluka/Town.......................... District	To be filled by the claimant.	Claim No. .... Filed on.......................... Date of hearing and adjournment, if any..............	To be filled by the office.

(1)	(2)	(3)	(4)
Name, father's or husband's name & full address of claimant.	Particulars of claim.	Documents submitted with claim in support of the statement in column (2)	How claim is filed, (personally, by agent or by post) (Name of agent, if any).
	The claimant is a citizen of India and was not less than 21 years of age on the 1st day of.........19 , and he has been ordinarily resident at*.........in**.......... for not less than 180 days during the qualifying period beginning on the 1st day of........ 19 , and ending on the..............19 . He has not claimed to be included or has not been included in any electoral roll of any electoral Unit/Parliamentary/Assembly constituency with any other address.	Original/certified copies of— (i) (ii) (iii)	

DECLARATION.

The above particulars are true and correct in all respects.

Signature or thumb impression of the claimant..............

†Signature of person signing on behalf of claimant..........

Dated...... 19

Address of person signing, if not the claimant..............

*Here insert the address. **Here insert the electoral unit or constituency.

†If the claimant does not sign himself, the person signing on his behalf must in every case file a written authority from the claimant.

Note:—Any person who makes a false declaration or gives information which he knows or believes to be false or does not believe to be true is liable to be punished under section 199 and/or 182 I. P. C.

Received notice of date of hearing-

Dated..........19 .

....
Claimant/Agent.

Certificate of service of notice.

(To be filled by the Serving Officer only when notice is not served at the time of the filing of the claim or by post.)	Certified that the notice on the claimant has been duly served by me this..............day of...........on (name).................. Personally by affixation on residence.

Dated..................195 .

Serving Officer

Place..............................

Decision of the Revising Authority.

Dated...............19 .

Signature of the Revising Authority.

PART II.—NOTICE.

(*Rule Id*).

To be filled by claimant.		*To be filled by the office.
To Name of claimant.................. .... Name of father/husband of claimant......... .... Full address of claimant..........................	Re: your claim No.......................* for inclusion in the electoral roll for .... Village/town.	Take notice that your claim will be heard at.................................. (place) at.......................o'clock on the..............day of.............. and you are directed to be present at the hearing with such evidence as you may wish to adduce. .... Revising Authority. Dated.................195 . Place ....".

(5) for Form VIII the following Form shall be substituted, namely:—

"The Representation of the People (Preparation of Electoral Rolls) Rules, 1950.

FORM VIII

PART I.—OBJECTION TO REGISTRATION OF ELECTORS

(*Rule 16*)

..........Electoral unit/constituency Objection against entry No.......... in the electoral roll of village/ward ....Thana/Taluka/Town.......... District..	To be filled by the objector	Objection No..................... Filed on....................... Date of hearing and adjournment, if any......................	To be filled by the office.

(1)	(2)	(3)	(4)	(5)
Name, father's or husband's name and full address of objector.	Name*, father's or husband's name and full address of the person to whom the entry objected to relates.	Grounds of objection,	Documents submitted with the objection.	How objection is filed. (personally, by agent or by post) (name of agent, if any).
		The grounds of my objection are:—	Original/certified copies of:— (*i*) (*ii*) (*iii*)	

Declaration.

I declare the statements made in this objection to be true to my knowledge and belief.

Signature or thumb impression of the objector ....

Entered on the electoral roll of.......................................

Electoral unit/constituency as serial No ....in the roll for.................Union/Ward of.......................Sub-Division/ Municipality in....................District.

Dated...........19

*Here insert the name as it appears in the electoral roll.

NOTE.—Any person who makes a false declaration or gives information which he knows or believes to be false or does not believe to be true is liable to be punished under section 199 and/or 182 I. P. C

Received notice of date of hearing.

Dated......................19

Objector Agent

Certificate of service of notice on objector.

(To be filled by the Serving Officer only when notice is not served at the time of the filing of the objection or by post.)) Certified that the notice on the objector has been duly served by me this) ......day of..........on*............personally/by affixation on residence.)

Dated..................195

Serving Officer.

Place........................

Certificate of service of notice on the opposite party

(To be filled by the Serving Officer when notice is not served by post.)) Certified that this notice has been duly served by me this......day of..) ....on*..............personally/by affixation on residence.

Serving Officer.

Dated..................195

Place....................

*Here insert the name of the person on whom the notice was served.

Decision of the Revising Authority.

Signature of the Revising Authority.

Dated................19

PART II.—NOTICE. [Rule 14 (1)]

To be filled by the objector.

To

Name of objector... .. ...
Name of father/husband of objector .. .. ..
Full address of objector... ...
... .

Re: your objection No.* ...
against (name) ... ...
son/wife of ... ...
residing at.. .. ..
in respect of entry No. ......in the electoral roll of village/ward.. ...
Thana/Taluka/Town... ... ...
District ... ...

* To be filled by office.

Take notice that your objection will be heard at.........(place) at .... o'clock on the..........day of............ and you are directed to be present at the hearing with such evidence as you may wish to adduce.

Revising Authority.

Dated.........
Place..........

PART III.—NOTICE. [Rule 14 (2)]

To be filled by objector

Objection No.*...........
by (name of objector)...........
of village/ward ....
Thana/Taluka/Town ......District
.........in respect of entry No......
in the electoral roll of village/ward
Thana/Taluka/Town... District ...
for......electoral unit/constituency.
Grounds of objection (in brief) are.
... ...
... ...

To

Name of opposite party .....
Full address of opposite party
... ...

* To be filled by office.

The objector has filed an objection to the inclusion of your name in the electoral roll for the electoral unit/constituency mentioned in this notice on the grounds stated herein. Take notice that the said objection will be heard at .... (place) at...... .... o'clock on the.......... day of............and you are directed to be present at the hearing with such evidence as you may wish to adduce.

Revising Authority.

Dated ... ...
Place ... ...

(6) Form IX and Form X shall be omitted.

[No. F. 8 (4)/50-C.]

K. V. K. SUNDARAM, Secy.

NOTIFICATION.

No. LD. 3-4480/50/Law.

In exercise of the powers conferred by clause (e) of rule 2 of the Representation of the People (Preparation of Electoral Rolls) Rules, 1950, as amended by Ministry of Law Notification No. S. R. O. 822 dated 30th October 1950, and in supersession of Law Department Notification No. LD. 3-4480/50/Law, dated 25th October 1950 Government are pleased to appoint the Chief Electoral Officer, Travancore-Cochin, to exercise, subject to any general or special instructions issued by the Election Commission, the power of appointment under that clause of any person or persons to perform all or any of the functions of the Revising Authority under the said Rules in respect of a constituency or part of a constituency or an electoral unit or part of an electoral unit in the State.

(By order of His Highness the Raj Pramukh)

Government Secretariat,
Law Department,
Trivandrum, 3rd November 1950.

N. S. RADHAKRISHNA SARMA,
Secretary to Government.

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REGISTERED No. T. 10. REGISTERED No. M. 463

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REPORT OF THE SELECT COMMITTEE

ON THE

TRAVANCORE-COCHIN HACKNEY CARRIAGE BILL.

To

The Speaker,
Legislative Assembly.

Sir,

We, the undersigned members of the Select Committee appointed to consider and report on the Travancore-Cochin Hackney Carriage Bill have considered the Bill clause by clause and beg to submit this our

REPORT.

1. The Bill was published in the Gazette Extraordinary dated the 2nd October 1950.

2. We are of opinion that the Bill may be adopted subject to the following amendment:

In sub-clause (2) of clause 44, for the words "twenty rupees, or to imprisonment for a period which may extend to one month, or to both", substitute the following:

"one hundred rupees."

(Sd.) Sri. E. John Philipose (Chairman)
" Sri. D. Gnanasigamony (Subject to the right to move amendments)
" Sri. N. Daniel Jose (Subject to the right to move amendments)
" Sri. A. P. Udayabhanu
" Sri. K. Karunakaran
" Sri. Eapen Arackal (Subject to the right to move amendments)

Trivandrum,
2nd November 1950.

V. Krishnamoorthi Aiyar,
Secretary to the Legislative Assembly.

THE TRAVANCORE-COCHIN HACKNEY CARRIAGE BILL.

(*As revised by the Select Committee*)

Preamble. Whereas it is expedient to declare the law relating to the regulation of Hackney Carriages; It is hereby enacted as follows:—

CHAPTER I.

Preliminary.

Short Title. **1.** (1) This Act may be called the Travancore-Cochin Hackney Carriage Act, 1950.

Local extent. (2) It shall extend to all such local areas in the State of Travancore-Cochin as the Government may, by notification in this behalf, from time to time, declare.

Commencement. (3) It shall come into force in any area to which it may be extended by a notification of the Government on such date as may be specified in the notification.

Appointment of Registering Officer. (4) Upon the extension of this Act to any local area the Government shall appoint for such area a person or persons by name or official designation to perform the functions of a Registering Officer under this Act.

Definitions. 2. In this Act, unless there be something repugnant in the subject or context,—

"Registering Officer" (1) "Registering Officer" shall mean the Inspector-General of Police, or any other person appointed, by name or by virtue of his office, by the Government, for registering, within a particular area, hackney carriages;

"Magistrate". (2) "Magistrate" means any Magistrate having local jurisdiction in any area to which this Act extends,

(3) "Hackney carriage" means any wheeled vehicle drawn or pushed by man or horse, bullock or other animal, and used for the conveyance of any person, which stands or plies for hire by the hour or day or according to disance ;

"Hackney carriage".

(4) "Driving" includes dragging or pushing, and "Driver" includes any person who drives, drags or pushes any hackney carriage ;

"Driving and driver".

(5) "Horse" includes mule or pony ;

"Horse".

(6) "Year of registration" means the year ending with the last day of March;

"Year of registration".

(7) "Minor" means any person who has not completed the age of eighteen years.

"Minor".

CHAPTER II.

Registration and Numbering of Hackney Carriages.

3. Every hackney carriage shall be annually registered by the Registering Officer.

Annual registration compulsory.

4. (1) Any person who is desirous of having any vehicle registered as a hackney carriage shall apply to the Registering Officer and shall submit such vehicle for such inspection as the Registering Officer may direct.

Application for registry.

(2) The person in whose name any carriage is registered shall be deemed to be the owner of such carriage for the purpose of this Act.

5. Every applicant under Section 4 shall be entitled to registration unless the Registering Officer is of opinion that the vehicle is not fit for public use: Provided that no vehicle shall be registered in the name of a minor; Provided further that the Registering Officer shall have powers—

Right to registry.

(1) to limit the number of vehicles of any description which may be registered annually in which case no vehicle of that description shall be registered in any year in excess of the number so limited.

(2) to refuse to register vehicles of a particular description in which case no vehicle of that description shall be registered.

Grant of carriage license.

6. (1) The Registering Officer shall, at the time of registration, deliver a license duly signed by him to the applicant.

Currency of license.

(2) A license granted under this Section shall be in force for the year of registration.

Form of license.

7. The following particulars shall be entered in the register and in the license to be given to the applicant :—

First—The number in the register of the hackney carriage.

Second—The name and residence of the owner and the place where the carriage is kept.

Third—A description of the carriage.

Fourth—The number of horses or other animals to be employed in drawing such carriage and, if the carriage is drawn or pushed by men, the number of men to be so employed.

Fifth—The number of passengers such carriage is licensed to carry.

Sixth—The date of the license.

Fee for license.

8. A fee shall be paid to the Registering Officer for each license in accordance with the following scale :—

		Rs.	*As.*	*Ps*
(*a*) For every four-wheeled carriage drawn by two or more horses licensed to carry more than six passengers	...	3	0	0
(*b*) For every other four-wheeled carriage drawn by two horses	...	2	0	0
(*c*) For every other four-wheeled carriage drawn by one horse or by one or more bullocks	...	1	0	0

	Rs.	As.	Ps.
(d) For every two-wheeled carriage drawn by one or more horses ...	0	8	0
(e) For every two-wheeled carriage drawn by one or more bullocks ...	0	4	0
(f) For every rickshaw, perambulator or other carriage drawn or pushed by one or more men ..	0	4	0

Fee for certified copy of register or license.

9. Every person applying for a certified copy of the particulars in the register or license mentioned in Section 7 shall be furnished the same on payment of a fee of four annas.

Suspension of license by Registering Officer.

10. The Registering Officer may suspend for such period as he thinks fit the license of any hackney carriage, whenever it appears to him that such carriage or any animal or harness used therewith is unfit for public use.

Transfer of registry.

11. On any transfer of ownership of a hackney carriage, the transferee shall, if he desires to use it as such, within one week from the date of the transfer, apply to the Registering Officer for transfer of the registry, giving him the particulars specified in the first three clauses of Section 7.

Notice of change of residence, etc., to be given by licensee.

12. (1) Whenever the owner of a hackney carriage changes his residence, or the place where such carriage is kept, he shall within one week from the date of such change forward his license and give to the Registering Officer a notice in writing signed by him specifying the new residence or place.

(2) Every such owner who neglects to forward his license or give such notice shall be liable to a fine not exceeding twenty rupees.

Penalty.

Transfers and change of residence to be registered.

13. The Registering Officer, on receiving the application or notice specified in either of the two last preceding Sections, shall make the necessary alteration in the register and the license, and return the license; and a fee of four annas shall be payable along with every such application or notice.

14. Whoever keeps any hackney carriage which has not been duly licensed under this Act, shall be liable to a fine not exceeding fifty rupees.

Penalty for keeping unlicensed hackney carriage.

15. (1) Upon the registration of any hackney carriage, the Registering Officer shall cause to be painted on some conspicuous part of the carriage or on a plate to be affixed on some conspicuous part of the carriage its number in the register and the number of passengers it is licensed to carry.

Numbering of hackney carriage.

(2) If the words or figures so painted become indistinct or are obliterated during the term of the license, the owner of the carriage shall be bound to produce it before the Registering Officer and apply to have such words or figures renewed. If the plate so affixed shall have been lost or stolen, the owner of the carriage shall be bound to apply to the Registering Officer to have a new plate affixed.

Renewal of inscription or plate.

(3) The fee for the painting or the plate, done or supplied under Sub-section (1) or Sub-section (2) shall be four annas, payable to the Registering Officer.

Charge for the painting or plate.

16. If any hackney carriage stands or plies for hire without a plate or legible inscription as prescribed by Section 15, the owner thereof shall be liable to a fine not exceeding twenty rupees.

Penalty for plying for hire without plate

17. (1) On the expiration or other determination of the period of registration, the owner of every hackney carriage shall cause the plate of such hackney carriage to be delivered to the Registering Officer.

Return of plate on expiry of licence.

(2) Any person who, after the expiration of the period aforesaid, wilfully omits for fourteen days to deliver the plate to the said Officer, shall be liable to a fine not exceeding twenty rupees.

Penalty.

18. (1) Every person who shall, for the purpose of deception, use or have any plate resembling or intended to resemble any plate affixed under this Act, shall be punishable with fine which may extend to fifty rupees, and in the case of a subsequent conviction

Penalty for using counterfeit plate.

under this Section, with fine which may extend to one hundred rupees, or with imprisonment for a term which may extend to one month, or with both.

Seizure of counterfeit plate.

(2) Any Police Officer may seize and take away any plate used or had as aforesaid, wheresoever the same may be found, and deliver the same to the Registering Officer.

CHAPTER III.

DRIVER'S LICENSE AND BADGE.

Grant of driver's license.

19. (1) It shall be lawful for the Registering Officer to grant a license to act as driver of any hackney carriage to any applicant whom he may consider fit, provided he is not a minor.

Form of license.

(2) Every such license shall contain—the number of the license, the name, place of abode and age of the person to whom such license is granted,

the description of carriage and animals, if any, to be used therewith, and

the date on which the license was granted, and shall bear the signature of the Registering Officer.

Currency of and fee for license.

(3) Such license shall be in force for the year of registration and the fee payable therefor shall be one rupee, unless the license relates solely to a carriage of the description specified in Clause (f) of Section 8, in which case the fee shall be four annas.

Particulars of license to be registered.

20. The particulars of every license which shall be granted under the provisions of Section 19 shall be entered in a register by the Registering Officer and every person applying shall be furnished with a certified copy of such particulars on payment of a fee of four annas.

Penalty for driving without license or lending license.

21. If at any time fifteen days after the time when a license should have been obtained, any person acts as the driver of a hackney carriage without having a license in force for the time being or, having a license, fails to carry it with him when driving a hackney carriage, or transfers or lends it or allows it to be used by any other person, he shall be liable to a fine not exceeding twenty rupees.

22. The Registering Officer may suspend for such period as he thinks fit the license of the driver of a hackney carriage whenever in his opinion such driver is unfit to be so employed.

Suspension of license by Registering Officer.

23. The owner of a hackney carriage, who knowingly suffers any person, not duly licensed under this Act, to act as driver of such carriage, shall be liable to a fine not exceeding fifty rupees.

Penalty for suffering unlicensed person to drive.

Provided that such owner and such unlicensed driver shall be subject to all the provisions of this Act for any act done or omitted to be done by such driver during such employment in like manner as if such driver had been duly licensed.

Proviso.

24. (1) The Registering Officer shall, at the time of granting a license to any driver of a hackney carriage, furnish him with a metal badge punched or marked with the number of his license.

Supply of badge to driver.

(2) Every driver to whom such badge is delivered shall, at all times while acting as driver, or while attending before any Magistrate, in his capacity as driver, wear such badge exposed to view.

Driver to wear badge.

(3) In case any such driver omits to wear such badge exposed to view while acting as driver or attending before a Magistrate, in his capacity as driver, he shall be liable to a fine not exceeding ten rupees.

Penalty.

(4) Whenever the number on any badge becomes indistinct or is obliterated during the term of the license, and also whenever any badge is lost or stolen, the person to whom the license relating to any such badge has been granted shall deliver such badge or notify its loss and shall produce such license to the Registering Officer, and such person shall then be entitled to have a new license and badge delivered to him upon payment of half the fee mentioned in Section 19. Such new license shall be in force for the year of registration.

Renewal of lost or damaged badge.

(5) Every person licensed under the authority of this Act who uses or wears the badge granted to him after the writing thereon has become indistinct or obliterated shall be liable to a fine not exceeding ten rupees.

Penalty.

25. (1) Upon the expiration or other determination of any license granted to a driver under this Act, he shall deliver such license and his badge to the Registering Officer.

Return of expired license and badge.

(2) Every driver who neglects for three days to deliver such expired license and badge to the Registering Officer and also every person who uses or wears, or fraudulently detains any such expired license or badge and every person to whom any expired license or badge has been delivered, who lends, gives away, pledges or sells such badge to any other person, and every person who detains, wears or uses any license or badge of any other person, shall be liable to a fine not exceeding twenty rupees.

Penalty.

26. Every person who, for the purpose of deception, uses or wears any badge resembling or intended to resemble any badge granted under the authority of this Act, shall be punishable with fine which may extend to fifty rupees, and in the case of a subsequent conviction under this Section, with fine which may extend to one hundred rupees, or with imprisonment for a term which may extend to one month.

Penalty for using counterfeit badge.

27. Any Police Officer may seize and take away any expired or counterfeit badge, or any badge in respect of which an offence under Section 26 has been committed, wheresoever the same may be found, and deliver the same to the Registering Officer.

Seizure of expired or counterfeit badge.

28. Whenever any driver is summoned to appear before any Magistrate to answer any charge preferred against him under this Act, he shall carry with him his license, and produce the same if required so to do; and any driver who, on such requisition, refuses to produce such license, shall be liable to a fine not exceeding five rupees.

Penalty for failing to produce license before Magistrate.

29. On the conviction of any driver for any offence under this Act, the Magistrate shall cause to be endorsed on his license the nature of the offence, the date of the conviction and the penalty inflicted.

Convictions under Act to be endorsed on license.

30. (1) On the conviction of any driver for any offence under this Act, the Magistrate may direct the cancellation of the license of such driver or its suspension for such time as he thinks fit.

Cancellation or suspension of license on conviction.

(2) For such purpose, he may require the driver or any other person who may be in possession of the license or badge to deliver up the same.

Delivery of license or badge on conviction.

(3) If such driver or other person refuses or neglects to deliver up license or badge, he shall be liable to a fine not exceeding ten rupees.

Penalty.

(4) The Magistrate shall forward every license and every badge delivered up to him under Sub section (2) to the Registering Officer together with a memorandum of his sentence in the case.

Magistrate to communicate sentence and forward license and badge to Registering Officer.

(5) The Registering Officer shall enter the fact of such sentence in the register referred to in Section 20, and shall either suspend or cancel such license according to the direction of the Magistrate; and if it has been suspended, the Registering Officer shall, on application, at the end of the period of suspension, re-deliver such license or badge to the person to whom it was granted.

Action to be taken by Registering Officer.

CHAPTER IV.

FARES, HIRING AND PLYING FOR HIRE.

31. (1) The owner or driver of every hackney carriage may demand and receive for the hire of such carriage such fares as may be fixed and published by the Registering Officer with the sanction of the Government duly notified;

Maximum fares for use of hackney carriages.

Provided that any agreement entered into to accept a fare lower than the fare so fixed shall be binding.

Contract for lower fare to be binding.

(2) No owner or driver shall demand or receive over and above the said fare any sum for back fare for the return of the carriage from the place at which it was discharged.

Back fares prohibited.

32. No agreement made with the driver of any hackney carriage for the payment of more than the fare published in accordance with Section 31 shall be binding on the person making the same, and any person, notwithstanding such agreement, may refuse on discharging such hackney carriage to pay any sum beyond such fare. If, in pursuance of such agreement, any person receives any sum exceeding the fare allowed, he shall be liable to pay a fine not exceeding ten rupees and also to refund such excess, which shall be recoverable as if it were a fine.

Contract for higher fare invalid.

33. (1) The Registering Officer shall cause to be prepared a list in English and in any other local language of the fares published under Section 31 and shall annex to such list a Table showing the distances between the principal places to and from which hackney carriages commonly ply. The distances so shown shall be presumed to be correct.

Publication of authorised fares and distances.

(2) Copies of such list and Table shall be issued to all applicants on payment of a fee of four annas for each copy or of such other sum as the Registering Officer, subject to the control of the Government, may prescribe.

Copies of published scale to be available for sale.

(3) The driver of every hackney carriage standing or plying for hire shall have with him a copy of such list and Table and shall on demand produce the same for the inspection of any Police Officer or for the information of any hirer of, or passenger by, his carriage and shall, in default, be liable to a fine not exceeding ten rupees.

Driver to keep copy of published scale and produce on demand.

(4) The Registering Officer shall also cause an abstract of the fares referred to in sub-section (1) to be prepared in English and in any other local language and printed on enamelled plates and such plates shall be issued to applicants on payment of a fee of four annas for each plate

Fare plates.

(5) Every hackney carriage shall have such a plate affixed, and, as often as any portion of the printing on any such plate becomes indistinct or obliterated, re-affixed on a conspicuous part of the carriage in accordance with the directions of the Registering Officer.

Fare plates to be affixed on carriages.

(6) If any hackney carriage stands or plies for hire without such a plate affixed or re-affixed as required by sub-section (5), the owner and driver thereof shall be punishable with fine not exceeding twenty rupees.

Penalty for plying for hire without fare plate.

34. (1) The driver of every hackney carriage standing or plying for hire shall drive such carriage to any place named by the hirer which is not more than three miles from the place of hiring in the case of vehicles of the description specified in Clause (f) of Section 8 and six miles in the case of any other vehicle.

Maximum distance to which driver is bound to drive.

(2) When any such carriage is hired by time, the driver thereof shall drive the same at a rate of speed not less than that prescribed by the Registering Officer.

Minimum speed when hired by time.

(3) A driver failing, without reasonable excuse, to comply with the provisions of this Section, shall be liable to a fine not exceeding ten rupees.

Penalty.

35. The driver of every hackney carriage shall carry in or upon such carriage without additional charge such quantity of luggage for every person hiring the same as may be prescribed by the bye-laws under this Act.

Quantity of luggage to be carried.

36. Any owner or driver of any hackney carriage who demands more than the fare to which he is legally entitled, or without reasonable excuse refuses to let such carriage for hire, shall be liable to a fine not exceeding fifty rupees and to pay such further sum by way of compensation to the party complaining as to the Magistrate may seem just; and such further sum shall, in default of immediate payment, be levied as if it were a fine.

Penalty for refusing to let hackney carriage for hire.

37. Every driver of a hackney carriage who—

Penalties for various offences by driver.

(a) is drunk during his employment,

(b) makes use of insulting or abusive language or gesture,

(c) stands elsewhere than at some stand or other place appointed for the purpose or loiters for the purpose of being hired in or upon any public street, road or place,

(*d*) wilfully obstructs, or hinders, the driver of any other hackney carriage in taking up or setting down any person into, or from, such other carriage,

(*e*) wrongfully prevents or endeavours to prevent the driver of any other hackney carriage from being hired,

(*f*) refuses to admit and carry in such carriage the number of passengers the carriage is licensed to carry,

(*g*) carries more than such number of passengers,

(*h*) refuses to carry such quantity of luggage as it provided by the bye-laws under this Act,

(*i*) being hired, permits or suffers any person to be carried in or upon or about such hackney carriage during such hire, without the consent of the person hiring the same,

(*j*) drives in any hackney carriage any animal which is not so secured as to be under the control of the driver,

(*k*) being hired by time or distance, before he has been discharged by the hirer, wilfully deserts from the hiring,

(*l*) plies for hire with any carriage or animal which shall at the time be unfit for public use,

(*m*) plies for hire with any carriage which is not fitted with any suitable warning signal, such as bell, horn or other contrivance,

(*n*) without previously disinfecting it, knowingly uses for hire any carriage used for the conveyance of a corpse or any person suffering from any contagious or infectious disease,

shall be liable to a fine not exceeding fifty rupees, or to imprisonment which may extend to one month, or to both.

Requisition to owner to produce absent driver.

38. (1) When a complaint is made before a Magistrate against the driver of a hackney carriage under this Act, the Magistrate may, if the driver fails to appear, summon the owner to appear and to produce the driver.

Penalty.

(2) If the owner, after being duly summoned, fails without reasonable excuse, to appear or to produce the driver according to the summons, he shall be liable to a fine not exceeding fifty rupees.

Ex parte disposal of complaint.

(3) If the owner fails without reasonable excuse to appear or produce such driver on a subsequent summons requiring him to do so, the Magistrate may dispose of the complaint in the absence of the owner and driver or either of them.

39. (1) In case of any dispute between the hirer and driver of any hackney carriage, either may require the other to proceed forthwith to the nearest Magistrate's Court; and the then sitting Magistrate shall hear and determine the dispute in a summary way.

Procedure in case of disputes between hirer and driver.

(2) If no Magistrate be then sitting, either party may require the other to proceed to the nearest Police Officer who shall enter the complaint in his diary and require the parties to appear before the Magistrate at his next sitting.

(3) On failure of either party to appear before the Magistrate in pursuance of a requisition under sub-section (1) or sub-section (2) or to attend the Court at any subsequent sitting to which the case may be adjourned, the Magistrate may decide the case *ex parte*, and his decision shall be binding on both parties.

40. (1) If any person who has hired a hackney carriage refuses to pay to the owner or driver thereof the fare payable under this Act, the Magistrate may order payment of such fare, and also of reasonable compensation for loss of time, and, in default of immediate payment, such fare and compensation may be recovered as a fine.

Procedure in case of refusal to pay fare.

(2) If any person who has used any such carriage attempts to evade payment of the legal fare, or any portion thereof, he shall be liable to a fine not exceeding fifty rupees in addition to any payment which may have been ordered under sub-section (1).

41. (1) Every person who wilfully tears, destroys, defaces, obliterates or removes any plate, list of fares, Table of distances or driver's badge, kept under the provisions of this Act, shall be liable to a fine not exceeding twenty rupees.

Penalty for defacing or destroying plate, badge or Table of fares.

(2) Any portion of the fine may be awarded to the person to whom such plate, list of fares, Table of distances, or driver's badge, belongs.

42. Every person using a hackney carriage who wilfully injures the same, shall be liable to a fine not exceeding twenty rupees and shall also pay to the owner such compensation for the injury as the Magistrate may direct; and such compensation shall be leviable as if it were a fine.

Penalty for wilful injury to hackney carriage.

43. (1) The Registering Officer shall appoint a sufficient number of public stands for hackney carriages.

Hackney carriage stands.

(2) Every public stand so appointed shall have a board placed in a conspicuous place on the same, containing a notice in English and in any other local language stating that the stand is a public stand under this Act, and specifying the number of carriages that may stand upon it.

CHAPTER V.

Lost Property.

Deposit with Police of property left in hackney carriage.

44. (1) The owner or driver of every hackney carriage wherein any property is left by any person shall, within eighteen hours, carry such property to the nearest Police Station and deposit it with the Inspector or other Officer on duty and shall be entitled to a receipt duly signed by the Officer taking charge of the same.

Penalty.

(2) Any such owner or driver making default herein shall be liable to a fine not exceeding one hundred rupees.

Police to register particulars of property deposited and grant receipt.

45. (1) The said Officer shall forthwith enter, in a book to be kept for that purpose,—

(a) the description of the property;

(b) the name and address of the driver or other person who brings it;

(c) the name and address of the owner of the hackney carriage in which it was left, and the registered number of the carriage; and

(d) the day and hour when the property is brought;

and shall give to the person bringing the property a receipt for the same.

Return of property to owner.

(2) Such property shall be delivered to the person who satisfies the Registering Officer that it belongs to him, upon payment of all expenses incurred by the owner or driver, together with such reasonable sum as the Registering Officer may award:

Sale of unclaimed property.

Provided that, if the property is not claimed and the ownership established within six months from the date of deposit, the Registering Officer may cause the property to be advertised and sold

by public auction : Provided further that when the property so deposited is subject to speedy and natural decay, or when the expense of keeping it in custody is likely to exceed its value, the Registering officer may cause it to be sold at once ;

and the proceeds, after deducting the expenses together with such reasonable sum as the Registering Officer may award to the owner or driver, may be forfeited to the Government, if within the period aforesaid the ownership is not established.

CHAPTER VI.

PROSECUTIONS.

Ex parte disposal of Criminal charges.

46. If, in any prosecution under this Act, the person charged does not appear as directed by the summons, the Magistrate may, upon proof of service and if no sufficient cause be shown for the non-appearance, proceed to dispose of the case in his absence.

Limitation restricting Criminal proceedings.

47. (1) No person shall be liable to prosecution for any offence under this Act unless the complaint respecting such offence be made within one month next after the commission of such offence.

Continuing offences.

(2) For the purposes of this Section, every omission punishable under this Act shall be deemed to be a continuing offence so long as the ommission continues.

Compensation for frivolous prosecution.

48. Where the Magistrate is satisfied that a complainant had no reasonable ground for instituting a prosecution, he may direct the complainant to pay to the accused such compensation not exceeding fifty rupees as he thinks fit, and the sum so awarded shall be recoverable as if it were a fine.

CHAPTER VII.

BYE-LAWS AND DELEGATION.

Power to make bye-laws.

49. The Registering Officer may, subject to the approval of the Goverment and after previous publication, make bye-laws not inconsistent with the provisions of this Act, with regard to—

(a) the examination and qualifications of drivers and the conditions under which they may be employed ;

(b) the description of horses, bullocks or other animals, harness and other things to be used with hackney carriages, the

dimensions of such carriages, and the condition in which such carriages and horses, bullocks or other animals, harness and other things used therewith shall be kept;

(c) the inspection of the premises on which any such carriages, horses, bullocks or other animals, harness and other things are kept;

(d) the fitting of bells, horns or other warning signals to carriages and for testing the same;

(e) the protection of weak, lame and sickly horses, bullocks or other animals;

(f) the publication of list of fares and Table of distances and the regulation of the amount and weight of luggage to be carried with or without additional charge; and

(g) generally for carrying out the purposes of this Act:

Provided that such bye-laws shall not take effect until the expiration of one month from the date of their publication.

Penalty for breach of bye-laws.

50. Whoever infringes any bye-law shall, on conviction before a Magistrate, be liable to a fine not exceeding twenty rupees.

Delegation of Registering officer's functions.

51. With the sanction of the Government, the Registering Officer may delegate to any other Officer under him all or any of his functions under this Act, except the power to make bye-laws under section 49.

Repeal.

52. The Travancore Hackney Carriage Act, VI of 1089 and the Cochin Hackney Carriage Act, II of 1098 are hereby repealed.

V. KRISHNAMOORTHI AIYAR,
Secretary, Legislative Assembly.